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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,937	11/13/2001	Pedro S. Baranda	OT-4986;60,469-054	5631

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EXAMINER

CHARLES, MARCUS

ART UNIT PAPER NUMBER

3682

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,937	Applicant(s) BARANDA ET AL.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 21-23, 26 and 27 is/are allowed.
- 6) ☐ Claim(s) 1-4, 9, 15, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5-8, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the notice of appeal filed 1/28/2005, which has been entered. Claims 1-9, 14-24 and 26-27 are currently pending.

Response to Arguments

1. Applicant's arguments, filed 1-28-2005, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.
2. In view of the Appeal Brief filed on 1-28-2005, PROSECUTION IS HEREBY REOPENED. Set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Drawings

The drawings are objected to because in fig. 5, the item with reference numeral 86 must include a legend to identify the figure. In addition, the specification must be updated to include the figure in the "Brief Description of the Figure and "Detail description of the figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

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reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9, 15-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. (2,740,459). WO (01-14630) discloses an elevator belt (22) comprising a plurality of cords (30, 28) aligned parallel to the longitudinal axis; a jacket (26) over the cords, the jacket includes a generally smooth

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surface. WO (01-14630) does not disclose the cords are tensioned individually while applying the jackets. Kilborn et al. discloses a belt comprising a plurality of cords, which are tensioned individually in order to keep the belt perfectly aligned thus decreasing the efficiency of the belt (col.1, lines 34-64). Therefore, it would have been obvious to one of ordinary skill in the art to modify the belt of WO (01-14630) so that each cord is tensioned individually with a selected tension in view of Kilborn et al. in order to keep the belt perfectly aligned thus decreasing the efficiency of the belt.

In claims 3 and 4, it is apparent that the tension on each cord would be adjusted to be consistent with the desired configuration.

In claim 9, it is apparent that a cooling operation would be carried out after the jacket has been applied.

Regarding claims 15-16, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) and Kilborn et al. device.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view of Kilborn et al as applied to claim 1 above, and further in view of Bhagawat et al. (5,425,830). WO (01-14630) does not disclose the cords having different tension. Kilborn et al. discloses that it is well known in the art for each cords to have different tension but does not provide any advantage for doing so. Bhagwat et al. discloses a method of making a belt so that each of the cords has different tension in order to compensate for friction during application. Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to further modify the

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device of WO (01-14630) so that the cords having different tension during the manufacturing of the belt the cords in view of Bhagawat et al. in order to compensate for friction during application.

6. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view of Kilborn et al. as applied to claim 1 above, and further in view of JP (63-214538). WO (01-14630) and Kilborn et al. do not disclose that the jacket is made from polyurethane. JP(63-214538) discloses a belt jacket made from polyurethane in order to improved bending resistance and reduces noise during operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the belt of WO (01-14630) so that the jacket is made from polyurethane in view of JP (63-214538) in order to improved bending resistance and noise during use.

Allowable Subject Matter


7. Claims 14 and 21-23 and 26-27 are allowed.

Claims 5-8, 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (757) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Marcus Charles
Primary Examiner
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April 18, 2005